

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Casmalia Community Services District,

Complainant,

vs.

Unocal Corporation, also known as Casmite
Water System,

Defendant.

Case 03-09-001
(Filed September 2, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE
AND HEARING ON MOTION TO STAY**

A prehearing conference (PHC) in this proceeding will be held at 10:00 a.m., Tuesday, November 25, 2003, in the California Public Utilities Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102.

1. Parties to Proceeding

The Complainant is Casmalia Community Services District. The defendant is the Unocal Corporation, also known as Casmite Water System and Casmite Corporation. Complainant and defendant are the parties to this proceeding, and they shall comply with the requirements of this ruling.

2. Issues to be Addressed

Complainant alleges that defendant is a public utility in its operation of the Casmite Water System. Complainant further alleges that defendant should not

be allowed to increase rates. If rates are increase, Complainant apparently alleges that all of Unocal's income and expenses be used to calculate the rate structure.

In its answer, defendant denies that its rates are unreasonable or that it has incorrectly billed customers. Additionally, defendant indicates that it will file by December 2003 an application seeking a Certificate of Public Convenience and Necessity to operate a water system serving the town of Casmalia and that the application will request ratesetting. Defendant also moves for a stay in this proceeding pending the filing of this application, at which time the Commission should either dismiss the complaint in this proceeding or consolidate this proceeding with the application.

3. Setting of PHC

Complainant should have an opportunity to respond to the stay motion, but no reply will be allowed. In order to expedite and coordinate this proceeding, a PHC is being scheduled. If contested, arguments on the stay motion also will be heard at that time.

4. PHC Statements

On or before November 21, 2003, the parties may file and serve prehearing conference statements. Commission's Rules of Practice & Procedure Rule 6.2. PHC statements may address the issues, need for hearing, schedule, and any matter related to the applicability of Article 2.5 of the Commission's *Rules of Practice and Procedure* to this proceeding. The parties should also identify and discuss anything else necessary for an expeditious and efficient completion of this proceeding.

5. Service of Pleadings

The complaint is unclear as to whether only the Casmalia Community Services District Board of Directors should be listed on the service list or whether the 25 Casmalia residents and property owners should also be included. If all residents and property owners should be listed, the complainant shall so indicate in its prehearing conference statement. Additionally, the complainant shall serve by mail all 25 residents and property owners no later than ten days before the PHC and shall file a certificate of service (with a copy served upon defendant) no later than five days before the PHC.

Parties should also come to the PHC prepared to discuss the desirability of adopting a rule that service of pleadings in this shall be by electronic mail, without concurrent service of a paper copy. Rule 2.3(b). If adopted, however, this rule would not vacate the Commission's rules regarding filing of paper copies, Rule 2.5, or the need to serve paper copies on any party without an electronic mail address.

6. Transcripts

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the PHC. Questions regarding the date, time or place for the PHC should be directed to the Calendar Clerk at (415) 703-1203.

IT SO RULED.

Dated November 5, 2003, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference And Hearing On Motion to Stay on all parties of record in this proceeding or their attorneys of record.

Dated November 5, 2003, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.